Ruby, Oswald Slayer, Dies Of a Blood Clot in Lungs

Shot Kennedy Assassin as Millions Watched on TV —In Prison 3 Years

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Excerpts from the recorded Ruby statement; Page 20.

By MARTIN WALDRON
Special to The New York Times

DALLAS, Jan. 3—Jack Ruby, who shot President Kennedy's assassin before a nationwide television audience, died at 10:30 A.M. today at Parkland Memorial Hospital. It was the same hospital in which Mr. Kennedy and the assassin, Lee Harvey Oswald, died.

Dr. Earl Rose, the Dallas County medical examiner, said that Ruby, who had extensive cancer, was killed by a blood clot in the lungs. Ruby was 55 years old.

Dr. Rose, who performed an autopsy, said the blood clot apparently formed in a leg this morning and traveled through the heart to the lungs.

The examiner said it was a massive clot that would probably have killed Ruby even if he had not been weakened by cancer. But he said cancer would be listed on the death certificate as a contributing cause of death.

Dr. Eugene P. Frenkel, head of a team of physicians who had treated Ruby for the cancer since Dec. 9, said Ruby's death was not completely unexpected.

Dr. Frenkel said Ruby had begun showing signs about 11 P.M. yesterday that he might

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Jack Ruby

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have developed blood clots. He was given oxygen and appeared to respond "well," the physician said.

"This morning he was quite comfortable," Dr. Frenkel said. "He went through the normal hospital routine. He had his bath and ordered eggs for breakfast, and he was quite jovial."

At about 9 A.M. he was seized with a spasm. Death came an hour and a half later despite emergency procedures, Dr. Frenkel said.

One of Ruby's sisters, Mrs. Eva Grant, and a brother, Earl R. Ruby, were waiting in a hall outside the emergency room when Ruby died.

Funeral in Chicago

A funeral service for Ruby will be held in Chicago on Friday morning, Mrs. Grant said.

Ruby was operating a night club with strip-tease dancers in Dallas when President Kennedy was assassinated on Nov. 22, 1963, during a political tour of Texas.

Two days later Ruby walked into the heavily guarded Dallas police station—apparently unnoticed—and shot Oswald in the stomach with a .38-caliber revolver as Oswald was about to be transferred to the Dallas County Jail, a mile away.

Millions of people watching television saw Ruby fire the shot into Oswald.

Ruby said he shot the assassin to spare Mrs. Kennedy the pain of returning to Dallas to testify at his trial.

During the following three years, all of which he spent in prison until his final hospital stay, Ruby steadfastly denied that he was part of any conspiracy to silence Oswald.

In March, 1965, Ruby was convicted of murder after a sensational trial in which he was defended by Melvin Belli, a San Francisco lawyer. Ruby was sentenced to die in the Texas electric chair, at Huntsville.

In October, 1966, the Texas Court of Criminal Appeals reversed the conviction. The court said the trial judge, Joe B. Brown, had allowed illegal testimony.

In granting a new trial, the appeals court ordered that it be held elsewhere in Texas. The second trial was set for Wichita Falls, about 100 miles west of Dallas. The case was pending when Ruby died.

Charge to Be Dropped

District Attorney Henry Wade said today that the murder indictment against Ruby would be dismissed. It is customary in Texas to dismiss criminal charges when a defendant dies before coming to trial.

Shortly after Ruby's conviction was reversed last fall, he began to suffer a dry, nagging cough, according to Dr. John W. Callahan, a Dallas County Jail physician.

"Jack also had trouble keeping food on his stomach," Dr. Callahan said. "I thought it was just his nerves."

Dr. Callahan treated Ruby with penicillin and suggested that he take a cough syrup.

Early in December Sheriff J. E. Decker, after returning to work from a stay in a hospital, talked to Ruby in his jail cell on the sixth floor of the county jailhouse.

Ruby told the sheriff he was not feeling well. The sheriff ordered Ruby taken to Parkland Hospital for examination.

At the hospital, doctors admitted him at once. His ailment was diagnosed as pneumonia.

The next day doctors discovered he had cancer. In the next week they determined that the

cancer was spreading.

Dr. Frenkel said today that the autopsy did not disclose the primary site of the cancer. It had been thought that it started in the lungs or pancreas and then spread.

"The pancreas was not involved," Dr. Frenkel said. "This leaves the lungs as the probable primary site."

Brain to Be Studied

Further tissue examination will be undertaken, Dr. Rose, the medical examiner, said. This will include a study of brain tissue.

Dr. Rose said preliminary examination of the brain lining did not disclose any signs of epilepsy. Ruby's lawyers during his murder trial in 1964 said his slaying of Oswald could be linked to epilepsy.

Dr. Frenkel said that after Ruby's seizure at about 9 o'clock this morning he was given external heart massage and oxygen.

"He was not responsive," the physician said.

About 20 specialists and nurses were attending Ruby when he died, Dr. Frankel said.

Dr. Rose and Dr. Frankel, who held a news conference at 4 P.M., refused to say that Ruby's cancer caused the blood clot that killed him.

"Yes and no," Dr. Rose said. "It did and it didn't."

"There is a predisposition for people with tumors to develop blood clots in the legs," he said.

In addition, he said, Ruby had been bed-ridden for almost a month and had lost much of his energy because of debilitation caused by the cancer.

Dr. Frankel said that even though it appeared last night that Ruby might have developed a small blood clot "because he had trouble getting his breath," medication to keep the blood from clotting was not administered. He said the damage that such medication might have caused to a cancer-stricken patient could have been greater than its benefits.

"And we didn't know that he was throwing clots," he said.

Dr. Frenkel said the autopsy disclosed that Ruby's cancer was just beginning to respond to treatment by a new drug, 5-flouricinal.

"An X-ray study carried out last Friday demonstrated a decrease in the size of the nodules in the left lung," he said.

But he said it was "a little unlikely" that Ruby would have recovered from the cancer.

"There was too much involvement," he said.

Dr. Frenkel said Ruby's cancer was identified as an adeno carcinoma. He explained that this type of cancer spreads through cavities and ducts in the body.

Dr. Rose said the autopsy showed "extensive" cancer involvement of the lungs and the regional lymph nodes, with a tentative involvement of the liver.

Ruby weighed 147 pounds at his death, about 30 pounds less than when he was admitted to Parkland Hospital on Dec. 9.

Dr. Frenkel said some of the weight loss was accounted for by the drainage of fluid from Ruby's chest when he was admitted to the hospital. The day after he was admitted doctors removed more than 10 pounds of fluid from the chest by means of drainage tubes.

Dr. Frenkel and Dr. Rose would not estimate how long Ruby might have lived had he not suffered the blood clot.

Burial in Chicago

Special to The New York Times

CHICAGO, Jan. 3—Jack Ruby will be buried beside his parents in Westlawn Cemetery here.

Hershey Weinstein, president of the Original Weinstein & Sons Chapel, said today that services and burial would be held Thursday afternoon or Friday morning.

Although Jewish law calls for burial as quickly as possible, the undertaker said, the need to transport the body from another city is considered extenuating circumstances.

Mr. Weinstein said final funeral arrangements would be made tomorrow when one of Ruby's brothers, Earl R. Ruby, of Detroit, and two sisters, Mrs. Harold Kadminsky, of Chicago, and Mrs. Eva Grant, of Dallas, arrive here from Dallas.

Other relatives of Ruby, who live here in his home town, are two sisters, Mrs. Norman Carroll and Mrs. Ann Volpert, and two brothers, Sam Ruby and Hyman Rubenstein.

Mr. Weinstein said that in the large family plot only Ruby's parents were buried at Westlawn, which is on the northwest side at 7801 Montrose Avenue.

View of Lawyer Here

Jack Ruby's death denied him the opportunity "to have a jury decide that he was guilty of nothing more than murder without malice, a crime that carries a maximum penalty of five years imprisonment," one of his lawyers said here yesterday.

The lawyer, William F. Kunstler, said in a statement that such a verdict—of murder without malice—"would have helped to establish that what Ruby did in Dallas on Nov. 24, 1963, was solely the result of spontaneous reaction to the President's assassination."

Associated Press Wirephot

AFTER DEATH OF BROTHER: Members of the family of Jack Ruby leaving Parkland Hospital, Dallas, yesterday. From left: Earl Ruby, Mrs. Eva Grant, Mrs. Eileen Kaminsky.